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c Pr9 Ontario Association of Not-For-Profit Credit Counselling Services Act, 1997

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CHAPTER Pr9

An Act respecting the Ontario Association of Not-For-Profit Credit Counselling Services

Assented to July 21, 1997

Preamble	<p>The Ontario Association of Credit Counselling Services has applied for special legislation to change its name to Ontario Association of Not-For-Profit Credit Counselling Services, to enable it to govern its members in accordance with its by-laws and to enable it to grant its members the right to the exclusive use of the designation "Accredited Not-For-Profit Credit Counselling Agency".</p> <p>It is appropriate to grant the application.</p> <p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>		
Definition	<p>1. In this Act,</p> <p>"Association" means the Association that is continued under section 2.</p>		
Association continued	<p>2. (1) The Ontario Association of Credit Counselling Services is continued as a corporation without share capital under the name "Ontario Association of Not-For-Profit Credit Counselling Services".</p>		
Members	<p>(2) The agencies registered as members of the Ontario Association of Credit Counselling Services on the day this Act comes into force and such other agencies as later become members of the Association constitute the corporation.</p>	<p>(b) to establish, promote and regulate uniform province-wide standards of knowledge, skill and ethics for persons engaged in the practice of not-for-profit credit counselling;</p> <p>(c) to provide a unified voice for persons engaged in the practice of not-for-profit credit counselling;</p> <p>(d) to advise its members of developments in the laws and practices related to not-for-profit credit counselling;</p> <p>(e) to promote and advance liaison with other individuals, associations and groups engaged in similar or related fields of activity;</p> <p>(f) to provide training and continuing education for its members;</p> <p>(g) to furnish means and facilities by which its members may increase their knowledge and skill in all things related to the practice of not-for-profit credit counselling;</p> <p>(h) to promote public education programs on the benefits of not-for-profit credit counselling; and</p> <p>(i) to provide a forum for the exchange of information relevant to the practice of not-for-profit credit counselling.</p>	
Continuation of the present board	<p>(3) The members of the board of directors of the Ontario Association of Credit Counselling Services and the officers of the Ontario Association of Credit Counselling Services in office immediately before this Act comes into force are continued in office until their successors are elected or appointed under this Act.</p>	<p>4. (1) The affairs of the Association shall be managed by a board of directors.</p>	Board of directors
Letters patent revoked	<p>(4) The letters patent of the Ontario Association of Credit Counselling Services are revoked, but their revocation does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that it is inconsistent with this Act.</p>	<p>(2) The size and composition of the board shall be as set out in the by-laws of the Association.</p>	Size and composition
Special Act corporation	<p>(5) The Association shall be deemed to be a corporation incorporated by a special Act.</p>	<p>(3) The members of the Association shall, at the annual general meeting, elect the members of the board for such terms of office as are set out in the by-laws of the Association.</p>	Election
Objects	<p>3. The objects of the Association are,</p> <p>(a) to make not-for-profit credit counselling available to all Ontario residents in need of service;</p>	<p>(4) The Association may by by-law divide the membership of the Association into regions for the purpose of holding local meetings, organizing local activities and electing one or more members of the board.</p> <p>(5) At any meeting of the board, a majority of the members of the board constitutes a quorum.</p>	Local regions Quorum

Vacancies	(6) In case of the death, resignation or incapacity of any member of the board, the board shall fill the vacancy for the balance of the term in the manner provided by the by-laws of the Association and, for the purpose of this subsection, the board may by by-law provide that a member's absence from a specified number of meetings of the board be treated as his or her incapacity.	(f) prescribing fees payable to the Association.	
Membership	<p>5. The Association shall grant membership in the Association to any credit counselling agency which applies, in accordance with the by-laws, if the agency,</p> <p>(a) is not-for-profit;</p> <p>(b) espouses the objects of the Association as set out in section 3; and</p> <p>(c) satisfies the qualifications and conditions for membership set out in the by-laws.</p>	<p>8. (1) Every member of the Association that satisfies the qualifications and conditions for membership in the accredited class of membership may use the designation "Accredited Not-for-Profit Credit Counselling Agency".</p> <p>(2) Any person in Ontario who is not a member of the Association as described in subsection (1) is guilty of an offence if they take or use the designation "Accredited Not-for-Profit Credit Counselling Agency".</p> <p>(3) Any person in Ontario who is not a member of the Association is guilty of an offence if they imply, suggest or hold out that they are a member of the Association.</p>	<p>Designation</p> <p>Offence</p> <p>Same</p>
Register	6. (1) The executive director of the Association shall keep a register in which shall be entered the names of all members of the Association in good standing, their class of membership and such other information as may be determined by the board.	<p>9. (1) An agency that has been refused membership or that has been subjected to a disciplinary sanction under the by-laws of the Association may appeal the refusal or sanction to the Divisional Court.</p> <p>(2) Upon the request of an agency desiring to appeal to the Divisional Court and upon payment of a reasonable fee, the executive director of the Association shall give the agency a certified copy of the record of the proceeding that resulted in the refusal to grant membership or the imposition of a sanction, including certified copies of the documents received in evidence at the proceeding.</p>	<p>Appeal regarding membership or sanctions</p> <p>Copy of record</p>
Public examination	(2) The register shall be open to examination by the public at the office of the Association during normal office hours.		
Privileges of membership	(3) Only those agencies whose names appear in the register are entitled to the privileges of membership in the Association.		
By-laws	7. (1) The board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association.	(3) An appeal under this section may be made on questions of law or fact or both.	Grounds for appeal
Same	<p>(2) Without restricting the generality of subsection (1), the board may pass by-laws,</p> <p>(a) establishing classes of membership in the Association and prescribing the qualifications for and conditions of membership in the various classes of membership;</p> <p>(b) providing for the continuing training of counselling employees of members of the Association;</p> <p>(c) regulating and governing the conduct of members of the Association by prescribing a code of ethics, rules of professional conduct and standards of practice;</p> <p>(d) prescribing rules respecting the holding of funds in trust for clients;</p> <p>(e) providing for suspension, expulsion or other penalty for contravening the code of ethics or for professional misconduct, incapacity or incompetence;</p>	<p>(4) The court may affirm or rescind the decision being appealed, may substitute its opinion for that of the board of directors of the Association, may refer the matter back to the board for rehearing in whole or in part or may direct the board to take such action as the court considers appropriate.</p> <p>10. (1) A copy of the register, certified by the executive director of the Association as a true copy, shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of an agency's membership and class of membership in the Association.</p> <p>(2) A certified document purporting to be signed by the executive director is proof, in the absence of evidence to the contrary, that such person is the executive director, without proof of the person's signature or the person being in fact the executive director.</p> <p>(3) The absence of the name of any agency from a copy of the register certified by the executive director as a true copy is proof, in the absence of evidence to the contrary, that</p>	<p>Powers of court</p> <p>Evidence</p> <p>Same</p> <p>Same</p>

the agency is not registered as a member of the Association.

Right to
practise
unaffected

11. This Act does not affect or interfere with the right of any individual or agency that is not a member of the Association to engage in the practice of credit counselling.

Surplus

12. Any surplus derived from carrying on the affairs and business of the Association

shall be applied solely in promoting and carrying out its objects and shall not be divided among its members.

13. This Act comes into force on the day it receives Royal Assent. Commence-
ment

14. The short title of this Act is the *Ontario Association of Not-For-Profit Credit Counselling Services Act, 1997*. Short title